122.42(f) Capacity, Management, Operation and Maintenance Programs for Municipal Sanitary Sewer Systems

(1) **General Standards** - You, the permittee, must:

(i) properly manage, operate and maintain, at all times, all parts of collection system that you own or over which you have operational control;

(ii) provide adequately capacity to convey base flows and peak flows for all parts of the collection system you own or have operational control;

(iii) take all feasible steps to stop, and mitigate the impact of, sanitary sewer overflows in portions of the collection system you own or have operational control; and

(iv) provide notification to parties with a reasonable potential for exposure to pollutants associated with the overflow event.

(v) develop a written summary of your CMOM program and make it, and the audit under section (5), available to any member of the public upon request.

(2) **Management Program** - You must develop a capacity, management, operation and maintenance (CMOM) program to comply with paragraph (1). If you believe that any element of this section is not appropriate or applicable for your CMOM program, your program does not need to address it, but your written summary must explain why that element is not applicable. The Director will consider the quality of the CMOM program, its implementation and effectiveness in any relevant enforcement action, including but not limited to any enforcement action for violation of the prohibition of any municipal sanitary sewer system discharges described at 40 CFR 122.42(g). The program must:

(i) **Goals**: Identify with specificity the major goals of your CMOM program, consistent with the general standards identified above.

(ii) **Organization**: Identify:

(A) administrative and maintenance positions responsible from implementing measures in your CMOM program, including lines of authority by organization chart or similar document; and

(B) the chain of communication for reporting SSOs under 122.42(e) from

receipt of a complaint or other information to the person responsible for reporting to the NPDES authority

(iii) **Legal Authority:** Include legal authority, through sewer use ordinances, service agreements or other legally binding documents, to:

(A) Control infiltration and connections from inflow sources;

(B) Require that sewers and connections be properly designed and constructed;

(C) Ensure proper installation, testing, and inspection of new and rehabilitated sewers (such as new or rehabilitated collector sewers and new or rehabilitated service laterals);

(D) Address flows from satellite municipal collection systems; and

(E) Implement the general and specific prohibitions of the national pretreatment program that you are subject to under 40 CFR 403.5.

(iv) **Measures and Activities**. Your CMOM program must address the elements listed below that are appropriate and applicable to your system and identify the person or position in your organization responsible for each element.

(A) Maintenance of facilities

(B) Maintenance of a map of the collection system

(C) Management of information and use of timely , relevant information to establish and prioritize appropriate CMOM activities (such as the immediate elimination of dry weather overflows or overflows into sensitive waters such as public drinking water supplies and their source waters, swimming beaches and waters where swimming occurs, shellfish beds, designated Outstanding National Resource Waters, National Marine Sanctuaries, waters withing federal, state, or local parks, and water containing threatened or endangered species or their habitat), and identify and illustrate trends in overflows.

(D) Routine preventive operation and maintenance activities

(E) Assessment of the current capacity of the collection system and treatment facilities which you own or over which you have operational control

(F) Identification and prioritization of structural deficiencies and identifying and implementing short-term and long term rehabilitation actions to address each deficiency

(G) Appropriate training on a regular basis

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(H) Equipment and replacement parts inventories including identification of critical replacement parts.

(v) **Design and Performance Provisions**: You must establish:

(A) requirements and standards for the installation of new sewers, pumps and other appurtenances; and rehabilitation and repair projects.

(B) procedures and specifications for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

(vi) **Monitoring, Measurement and Program Modifications**. You must monitor the implementation and, where appropriate measure the effectiveness of each element of your CMOM program. You must update program elements as appropriate based on monitoring or performance evaluations. You must modify the summary of your CMOM program as appropriate to keep it updated and accurate.

(3) **Overflow Response Plan**: You must develop and implement an overflow response plan that identifies measures to protect public health and the environment by, including but not limited to, mechanisms to:

(i) ensure that you are made aware of all overflows (to the greatest extent possible);

(ii) ensure that overflows are appropriately responded to, including ensuring that reports of overflows are immediately dispatched to appropriate personnel for investigation and appropriate response;

(iii) ensure appropriate reporting pursuant to 40 CFR 122.42(e).

(iv) ensure appropriate notification to the public, health agencies, and other impacted entities (e.g. water suppliers) pursuant to 40 CFR 122.42(h). The CMOM should identify the public health and other officials who will receive immediate notification

(v) ensure that appropriate personnel are aware of and follow the plan and appropriately trained; and

(vi) provide emergency operations.

(4) **System Evaluation and Capacity assurance plan**: You must prepare and implement a plan for system evaluation and capacity assurance if peak flow conditions are contributing to an SSO discharge unless you have either (1) already taken steps to correct the hydraulic deficiency or(2) the discharge meets the criteria of 122.42(g)(2). At a minimum the plan must include:

(i) **Evaluation**: Steps to evaluate those portions of the collection system which you own or over which you have operational control which are experiencing or contributing to an SSO discharge caused by hydraulic deficiency or to noncompliance at a treatment plant. The evaluation must provide estimates of peak flows (including flows from SSOs that escape from the system) associated with conditions similar to those causing overflow events, provide estimates of the capacity of key system components, identify hydraulic deficiencies, including components of the system with limiting capacity and identify the major sources that contribute to the peak flows associated with overflow events.

(ii) **Capacity Enhancement Measures**: Establish short and long term actions to address each hydraulic deficiency including prioritization, alternative analysis, and a schedule.

(iii) **Plan updates**: The plan must be updated to describe any significant change in proposed actions and/or implementation schedule. The plan must also be updated to reflect available information on the performance of measures that have been implemented.

(5) **CMOM Program Audits** - As part of the NPDES permit application, you must conduct an audit, appropriate to the size of the system and the number of overflows, and submit a report of such audit, evaluating your CMOM and its compliance with this subsection, including its deficiencies and steps to respond to them.

(6) **Communications**: The permittee should communicate on a regular basis with various interested parties on the implementation and performance of its CMOM program. The communication system should allow interested parties to provide input to the permittee as the CMOM program is developed and implemented.